

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 08-212 (2) (RHK/FLN)

Plaintiff,

ORDER

v.

Juan Carlos Mendoza-Sanchez,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 28, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS ORDERED:

1. The Report and Recommendation (Doc. No. 64); and
2. Defendant's Motion to Dismiss (Doc. No. 46) is **DENIED**.

Dated: September 30, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge